



W.P.(MD)No.26487 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26487 of 2022

S.Ramaraj

.. Petitioner

Versus

1.The District Registrar,
O/o.the District Registrar,
Theni District.

2.The Sub Registrar,
O/o.the Sub Registrar,
Theni District.

.. Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to register the certified copy of the decree dated 17.12.2021 in I.A.No.340 of 2018 made in O.S.No.86/2017 on the file of the learned District Munsif, Theni on payment of registration charges alone without insisting payment of any stamp duty and without insisting on the period of limitation u/s. 23 of Registration Act, in the light of order passed in W.P.(MD) No.8091/2020 etc., dated 25.06.2021 within the time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader



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ORDER

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This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the 2nd respondent to register the certified copy of the decree dated 17.12.2021 in I.A.No.340 of 2018 made in O.S.No.86/2017 on the file of the learned District Munsif, Theni on payment of registration charges alone without insisting payment of any stamp duty and without insisting on the period of limitation u/s. 23 of Registration Act, in the light of order passed in W.P.(MD) No.8091 of 2020 etc., dated 25.06.2021.

2. Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader appearing for the respondents.

3. By consent of both the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

4. The case of the petitioner is that he has approached the second respondent to register the final decree passed by the learned District Munsif Court, Theni in I.A.No.340 of 2018 in O.S.No.86 of 2017, by enclosing necessary documents. But the second respondent refused to register the said

<https://www.mhc.trn> final decree stating that the said final decree should be presented within a



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period of four months from the date of passing of the decree, as per Section 23 of the Registration Act and also insisting the petitioner for payment of registration fee. In the circumstances, the petitioner has made a request to the first respondent on 12.09.2022, explaining all the above facts and requested to issue a direction to the second respondent to register the final decree and order in I.A.No.340 of 2018. But the first respondent has not taken any steps to register the same. Hence, the present writ petition has been filed.

5. Considering the fact that there is no limitation for registering the Court's decree, this Court, without going into the merits of the case, directs the petitioner to approach the second respondent along with certified copy of the decree dated 17.12.2021 in I.A.No.340 of 2018 made in O.S.No.86/2017 on the file of the learned District Munsif, Theni, for registration, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to consider the same and pass appropriate orders, after issuing notice to all the necessary parties, on merits and in accordance with law, within a period of three weeks thereafter.

6. This Writ Petition stands disposed of with the above directions. No costs.

24.11.2022

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<https://www.mhc.tn.gov.in/judis>



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To

1.The District Registrar,
O/o.the District Registrar,
Theni District.

2.The Sub Registrar,
O/o.the Sub Registrar,
Theni District.



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V.BHAVANI SUBBAROYAN, J.

akv

Order made in
W.P.(MD)No.26487 of 2022

24.11.2022